

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

January 12, 2015

47

Chairman Tom Wheeler  
Federal Communications Commission  
445 12th Street, SW, Room TW-A325  
Washington, DC 20554

Dear Chairman Wheeler,

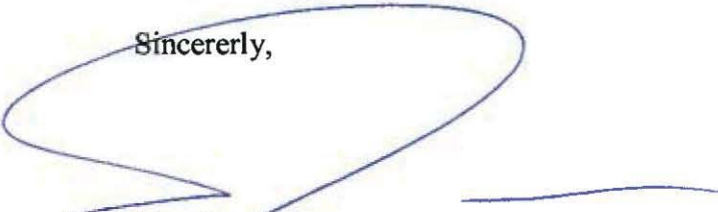
I write today regarding the request for comment, WC Docket No. 12-375, from the Federal Communications Commission under the Second Further Notice of Proposed Rulemaking for Inmate Calling Services. This proposal has been brought to my attention by county correctional facilities within my Congressional District.

The Second Further Notice of Proposed Rulemaking for Inmate Calling Services involves a proposal that would include the current rates set for federal interstate calls being further extended to override current state regulated intrastate calls. Currently, the funds collected by local jails are used for the monitoring of inmate calls to prevent further crime and better address safety concerns to protect inmates. The monitoring of calls also provides important information for our local offices to be able to prosecute criminals and acquit those who are innocent. The loss of funding would create serious safety concerns for our inmates, corrections officers and our community as a whole.

The Commission currently cites Sections 276 and 201(b) of the Communications Act of 1996 as their legal authority to regulate site commissions and intrastate calls; however, the law does not provide conclusive language that would allow the federal government to override current state authority. If the Federal Communications Commission does begin implementation of these proposals, I am concerned this would be overstepping federal authority provided under the existing law.

I urge the Federal Communications Commission to review the language of the Federal Communications Act and the effect these changes could have on our local communities. Please feel free to contact my office should you have any further questions.

Sincerely,

  
Tom Reed  
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

OFFICE OF  
THE CHAIRMAN

March 23, 2015

The Honorable Tom Reed  
U.S. House of Representatives  
1504 Longworth House Office Building  
Washington, D.C. 20515

Dear Congressman Tom Reed:

Thank you for your letter expressing concerns regarding the Commission's inmate calling services (ICS) proceeding. In your letter, you express concern regarding the Commission's legal authority under Sections 201(b) and 276 of the Communications Act of 1996 to regulate site commissions and intrastate calls. Your views are very important, and they will both be included in the record of the proceeding and be considered as part of the Commission's review.

In September 2013, the Commission released a *Report and Order and Further Notice of Proposed Rulemaking* on inmate calling services (ICS). In the *Report and Order*, the Commission adopted interim reforms of interstate ICS rates, requiring that providers' rates and charges be just, reasonable, and fair. The *Report and Order* also recognized that security measures are an important part of ICS and made clear that it is appropriate for security costs to be recovered through ICS rates.

The *Report and Order* is already having positive results, with decreased lower interstate rates and increased ICS usage enable more families to connect with inmates. Unfortunately, intrastate rates have increased in many states. Moreover, many ICS providers are imposing an increasing array of ancillary charges.

Under the leadership of Commissioner Clyburn, who has been spearheading the Commission's effort on this issue, the Commission adopted a *Second Further Notice of Proposed Rulemaking* ("Further Notice") on October 17, 2014, with a goal of comprehensively reforming the ICS system, including both interstate and intrastate rates. The *Further Notice* also seeks comment on the data submitted by ICS providers in August, which included cost data for jails and prisons of all sizes, as well as on permanent rate caps on all services – local, in-state long distance, and interstate long distance telephone services – and specifically seeks comment on whether Section 276 gives the Commission authority to regulate both interstate and intrastate charges for ICS ancillary services. Finally, the *Further Notice* seeks comment on providing a multi-year transition period to provide sufficient time for correctional facilities to adjust their budgets.

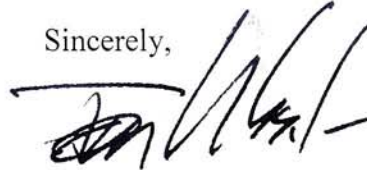
Please be assured that we will take into consideration the issues and concerns presented by all stakeholders engaged in this proceeding, including correctional facilities, as well as state

Page 2—The Honorable Tom Reed

and local governments. The goal of the *Further Notice* is to reform the ICS system comprehensively, without sacrificing security, ensuring appropriate cost recovery and transition periods for correctional facilities.

I appreciate your interest in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Wheeler', with a stylized flourish extending from the end.

Tom Wheeler